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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/731,576	12/09/2003	Tracy Glenn Obershan	CIL1266	3894

7590 10/20/2005

Anthony Edw. J Campbell  
6721 Northridge Drive  
Dallas, TX 75214-3156

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OIP/IA/P

OCT 28 2005

EXAMINER

WEBB, TIFFANY LOUISE

ART UNIT PAPER NUMBER

3616

DATE MAILED: 10/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/731,576	<b>Applicant(s)</b> OBERSHAN, TRACY GLENN	
	<b>Examiner</b> Tiffany Webb	<b>Art Unit</b> 3616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/9/2003</u> . | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Specification***

1. The disclosure is objected to because of the following informalities: on page 8, line 21 through page 15, line 18 there are parts of the described figures that do not have reference numbers included in the specification. The examiner suggests adding the existing reference characters to all respective description parts in this part of the specification.

Appropriate correction is required.

2. The examiner notes that the information set forth from page 8, line 21 through page 15, line 18 includes information that does not pertain to describing the details of the drawings. The examiner recommends these items be included within the sub-section describing the summary of the invention.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 8, 13, 14, 19, and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 8, 9, and 15 are unclear because they claim a motorcycle cage "comprising tubular metal" and it is unclear to what parts of the motorcycle cage are to be tubular.

Claims 14 and 20 are unclear because they claim a motorcycle cage "comprising steel" and it is unclear as to what of the motorcycle cage is steel.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-6, 9-11, 15-16, and 17 are rejected under 35 U.S.C. 102(b) as being anticipated by Eyre et al. (US 1,473,956). Regarding claims 1-4, 9, and 15, Eyre et al. discloses a protective impact cage including a rear bumper (48), a rear bar (31) connected to a rear bumper, a passenger bar (22) connected to a rear bar, a waistline bar (23) connected to a passenger bar, a bottom brace (17) connected to a passenger bar, an operator bar (21) connected to braces, a left side bar (23) connected to an operator bar, a right side bar (33) connected to an operator bar, a front bumper (32) connected to side bars, right and left front shoulder bars (20 and 29) connected to an operator bar and a front bumper, left and right top braces (P', P, and 34) connected to a passenger bar and an operator bar, and left and right upright rear shoulder bars (22 and 31) connecting

Art Unit: 3616

a passenger barn and a waistline bar. Regarding claims 5, 10, and 16, Eyre et al. discloses using an impact cage with a motorcycle (col. 2, line 71). Regarding claims 6, 11, and 17, Eyre et al. teaches using the structure of a cage for protecting a motorcycle operator and passenger from collision (col. 1, lines 14-19).

***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 8, 12-14, and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eyre et al. (US 1,473,956) in view of Mauws (US 5,094,313). Eyre et al. is discussed above and fails to disclose welded connections, using tubular metal, or steel construction. Regarding claims 8, 13-14, and 19-20, Mauws teaches construction of a cage frame using tubular steel (col. 3, line 54). It would have been obvious to a person having ordinary skill in the art at the time of the invention to use tubular metal or steel to construct the protection cage of Eyre et al. in view of Mauws in order to allow for strong protection, lightweight construction, and rigid connections. Regarding claims 7, 12, and 18 Eyre et al. and Mauws fail to disclose welded connections, but it is well known in the art that steel connections in frame construction are made through one of many welding processes. Accordingly, it would have been obvious to have the frame

connections welded so as to provide secure connection, and as such fastening is old and well known.

### ***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following are protection structures for vehicles: Akiyama et al. (US 6,764,099), Mueller et al. (US 6,142,253), and Galea (AU 9530558).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tiffany Webb whose telephone number is 571-272-2797. The examiner can normally be reached on 8-4:30 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paul Dickson can be reached on 571-272-6669. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Art Unit: 3616



Tiffany Webb  
Examiner  
Art Unit 3616

tlw



PAUL N. DICKSON  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

Please type a plus sign (+) inside this box →

PTO/SB/08A (08-00)  
Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  <i>(use as many sheets as necessary)</i>			<b>Complete if Known</b>		
			Application Number	10/231546	
			Filing Date	12/09/2003.	
			First Named Inventor	Tracy Glenn Obershan	
			Group Art Unit	36116	
			Examiner Name	TIFFANY WEBB	
			Attorney Docket Number	CIL1266	
Sheet	1	of	1		

[illegible][illegible]

Examiner Signature	<i>[Signature]</i>	Date Considered	<i>10/11/15</i>
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup>Unique citation designation number. <sup>2</sup>See attached Kinds of U.S. Patent Documents. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.

**Burden Hour Statement:** This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U. S. Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO:** Assistant Commissioner for Patents, Washington, DC 20231.



<b>Notice of References Cited</b>	Application/Control No. 10/731,576	Applicant(s)/Patent Under Reexamination OBERSHAN, TRACY GLENN	
	Examiner Tiffany Webb	Art Unit 3616	Page 1 of 1

**U.S. PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
	A	US-1,473,956	11-1923	EYRE HARRY G; et. al.	280/288.4
	B	US-5,094,313	03-1992	Mauws, Laurence J.	180/210
	C	US-6,142,253	11-2000	Mueller et al.	180/219
	D	US-6,764,099	07-2004	Akiyama et al.	280/784
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

**FOREIGN PATENT DOCUMENTS**

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N	AU 9530558 A	03-1996	Australia	GALEA, E	B60R 21/13
	O					
	P					
	Q					
	R					
	S					
	T					

**NON-PATENT DOCUMENTS**

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

\*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)  
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

DERWENT- 1996-180266

ACC-NO:

DERWENT- 199619

WEEK:

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**TITLE:** Protective structure for vehicle esp. roll bar - comprises arcuate members extending both laterally and longitudinally and attached to vehicle via bracket members

**INVENTOR:** GALEA, E

**PATENT-ASSIGNEE:** GALEA E[GALEI]

**PRIORITY-DATA:** 1994AU-0007932 (September 7, 1994)

**PATENT-FAMILY:**

PUB-NO	PUB-DATE	LANGUAGE	PAGES	MAIN-IPC
AU 9530558	A March 21, 1996	N/A	010	B60R 021/13

**APPLICATION-DATA:**

PUB-NO	APPL-DESCRIPTOR	APPL-NO	APPL-DATE
AU 9530558A	N/A	1995AU-0030558	September 7, 1995

**INT-CL (IPC):** B60R021/13, B62J027/00

**ABSTRACTED-PUB-NO:** AU 9530558A

**BASIC-ABSTRACT:**

The protective structure includes one or more arcuate members adapted to circumscribe an intermediate portion of the vehicle. A mounting device mounts the protective structure to the vehicle. The arcuate members are shaped and arranged such that, in use when fitted to a vehicle, the vehicle may be moved from a rolled position to an upright position by force of the occupant.

At least two spaced apart arcuate members, which lie in use in the forward planes of the vehicle extend in the direction of travel. The forward planes diverge away from the vehicle. At least one arcuate member lies in a plane extending laterally of the direction of travel of the vehicle. The lateral members are welded to the longitudinal members and mounted to the vehicle on brackets.

USE/ADVANTAGE - Esp. for use on four wheeled **motorcycles**. Allows the vehicle to be righted, after a roll, by one person

CHOSEN- Dwg.1/1  
DRAWING:

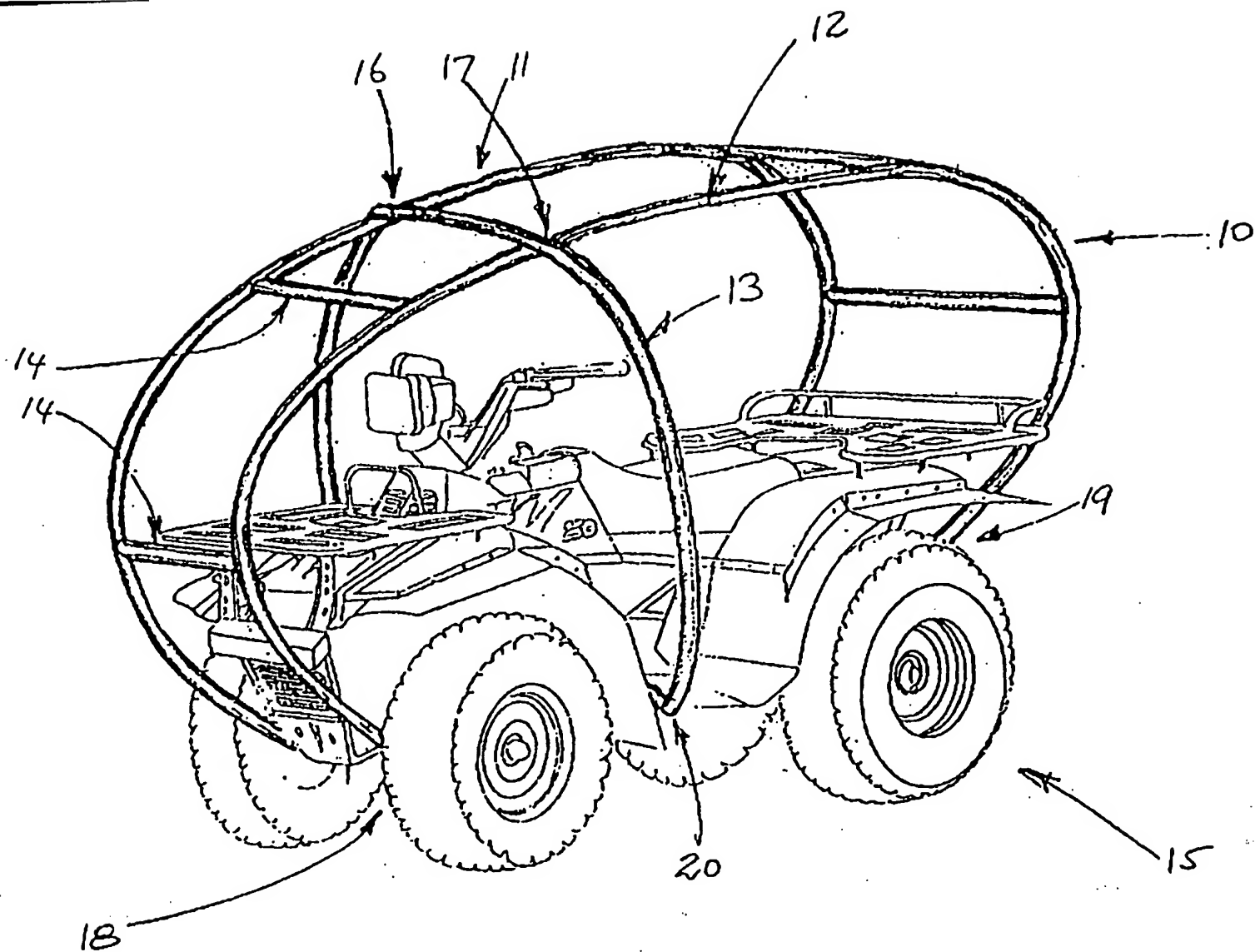
TITLE-TERMS: PROTECT STRUCTURE VEHICLE ROLL BAR COMPRISE ARCUATE  
MEMBER EXTEND LATERAL LONGITUDE ATTACH VEHICLE BRACKET  
MEMBER

ADDL- QUAD **MOTORCYCLE**  
INDEXING-  
TERMS:

DERWENT-CLASS: Q17 Q23

SECONDARY-ACC-NO:

Non-CPI Secondary Accession Numbers: N1996-151509



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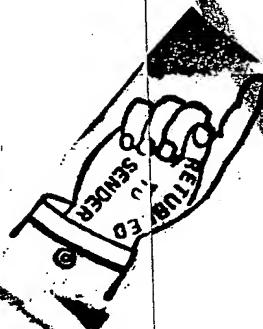
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**AN EQUAL OPPORTUNITY EMPLOYER**

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AS ADDRESSED  
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